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SUBJECT: SENATE SELECTION OF NATIONAL BROADCAST COMMITTEE
COMES AMID CONTROVERSY

REF: (A) BANGKOK 6240 (B) 2005 BANGKOK 3522 (C) 2004
BANGKOK 1367

11. (SBU) SUMMARY. After a long series of delays, Thailand's Senate nominated 7 candidates to the National Broadcasting Commission (NBC) on September 27th. The selection of the candidates came amid controversy, as many of the Senators allegedly had previous connections with some of the candidates they selected. Critics are saying that in light of the governing Thai Rak Thai (TRT) party's already strong control over much of Thailand's media, this latest step is a serious blow to press freedom in Thailand. A legal challenge from a failed nominee together with vocal criticism coming from within the Senate itself could still derail the process for the new nominees. END SUMMARY.

A LONG TIME IN THE MAKING

12. (SBU)

The final selection of the NBC has been a long time in the making (Refuels B and C). The job of the NBC commissioners is to regulate the multi-billion baht broadcasting industry within Thailand. Among their most important tasks is to allocate the use of frequencies used by government agencies, the police, the military, and any other media outlet. Critics say that the TRT has influence over many of the Senators involved in the selection process and will use a friendly NBC to favor its supporters in the allocation of frequencies and shut out its opponents.

13. (SBU)

The 7 commissioners were selected from a group of 14 finalists. Given the controversial nature of the appointments, the Senate spent 5 hours debating whether or not they should continue selecting the finalists, or start all over again from scratch. Although a smaller Senate committee had already determined that many candidates had government or military ties that presented a conflict of interest, the Senate ultimately decided to go ahead with the vote anyway -- on the condition that it be done under a secret ballot. The combined vote total of the 7 winners was

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50% higher than the other 7 candidates, which made the contest hardly close. In addition, 83 Senators voted for the exact same slate of 7 that were elected. However, those selected appeared to be qualified -- 5 of those selected are high-ranking academics, and all 7 nominees have professional backgrounds in the media.

CONTROVERSY COULD GROW

14. (SBU) Comment: The newly-selected nominees are by no means assured automatic appointment to the Commission. There remains a legal and political minefield. The seven names will go to the Palace for the King's formal approval. Whether the Palace will approve the nominees while a vocal minority of the Senators protest their illegitimacy remains uncertain. Another point of danger in the process is the petition filed in the Administrative Court by failed nominee Pramut Sutabut, who charged that the recruitment process for the nominees was illegitimate. If the Administrative Court rules that the recruitment process was indeed illegitimate, then the Senate would have sent a tainted list to the Palace for approval. With the controversy over Auditor-General Charuvan's nomination still rankling the public (Ref A), another case of suspect practices in the Senate selection process could further sully the upper house's image.

BOYCE